

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

George KATSAROS, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	Civ. No. 3:00cv288 (PCD)
	:	
Ralph SERAFINO, et al.,	:	
Defendants.	:	

**RULINGS ON DEFENDANTS' MOTIONS TO STRIKE**

Defendants Serafino and Gallup move to strike some of Plaintiffs' prayers for relief. (Dkt. No. 34.) Defendant City of Stamford files essentially an equivalent motion. (Dkt. No. 49.) Both motions are granted.

**I. JURISDICTION**

Plaintiffs sue under 42 U.S.C. § 1983. (Dkt. No. 14 ¶¶ 14-75.) This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343 and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a).

**II. BACKGROUND**

**A. Factual Background**

The facts are taken as alleged in the amended complaint. (Dkt. No. 14.) Defendants Serafino and Gallup are constables of Defendant City of Stamford. (Id. ¶¶ 9-10.) Defendants Pennell and Moavero are special deputy sheriffs of the State of Connecticut. (Id. ¶¶ 11-12.) On February 15, 1997 at approximately 1:15 a.m., Gallup "pounded" on the door to Plaintiffs Chris and Vasiliki Handrinos's home and demanded it be opened. (Id. ¶¶ 33-34.) Plaintiff Peter Handrinos opened the door, and Gallup falsely represented that he was a special deputy sheriff and that he had legal papers to serve. (Id.

¶¶ 7, 35.) He displayed his badge and entered without consent and presented Chris and Vasiliki Handrinos, not with legal process, but with a letter from a minority shareholder of the Norwalk Inn purporting to terminate their employment at the Norwalk Inn and their right to enter the Norwalk Inn property. (Id. ¶¶ 37, 42.) Gallup did not leave until Chris Handrinos threatened to call the Norwalk police. (Id. ¶ 41.)

At approximately the same time, Serafino, Pennell, and Moavero entered the Norwalk Inn with automatic weapons and badges displayed. (Id. ¶ 47.) They informed the employees that they were special deputy sheriffs and that no one was permitted to leave or to make outgoing phone calls. (Id. ¶ 48.) At approximately 2:30 a.m., Chris Handrinos and George Katsaros (both of whom are directors and employees of the Norwalk Inn) and Vasiliki Handrinos (a stockholder and employee of the Norwalk Inn) and Elaine Katsaros (a stockholder of the Norwalk Inn) attempted to enter the Norwalk Inn but were denied entry and threatened with arrest. (Id. ¶¶ 3-6, 50.) Plaintiffs demanded that Serafino produce all documents which permitted Defendants' actions. (Id. ¶ 52.) Serafino refused to produce any documents. (Id.) It was not until 3 p.m. that day that, pursuant to a court order, Defendants were removed from the Norwalk Inn. (Id. ¶ 63.)

## **B. Procedural History**

On February 11, 2000, Plaintiffs filed a complaint. (Dkt. No. 1.) An amended complaint was filed on April 14, 2000. (Dkt. No. 14.) Serafino and Gallup now move to strike portions of the amended complaint (Dkt. No. 34) and submit an accompanying memorandum of law (Dkt. No. 41). The City of Stamford also moves to strike portions

of the amended complaint (Dkt. No. 49) and submits an accompanying memorandum of law (Dkt. No. 35). Plaintiffs submit memoranda. (Dkt. No. 37; Dkt. No. 43.)

### III. DISCUSSION

#### **A. Strike Portion of Second Prayer for Relief**

Serafino and Gallup move to strike the words “jointly and severally” from the second prayer for relief. (Dkt. No. 41 at 2.) The City of Stamford brings essentially the same motion. (Dkt. No. 35 at 2.) Plaintiffs do not object. (Dkt. No. 37 at 1; Dkt. No. 43 at 1.) Accordingly, the words “jointly and severally” are deleted from the second prayer for relief. (See Dkt. No. 14 at 36.)

#### **B. Strike Second or Third Prayer for Relief as Redundant**

Serafino and Gallup move to strike either the second or third prayer for relief as redundant. (Dkt. No. 41 at 2.) The City of Stamford brings the same motion. (Dkt. No. 35 at 2.) This court construes these motions as motions to strike either the third or fourth prayer for relief as redundant. (Compare Dkt. No. 34 at 1; Dkt. No. 49 at 1.) In any event, Plaintiffs do not object to the third prayer for relief being struck. (Dkt. No. 37 at 1; Dkt. No. 43 at 1.) Accordingly, the third prayer for relief is deleted. (See Dkt. No. 14 at 36.)

#### **C. Strike the Request for Treble in Damages in the Fifth Prayer for Relief**

Serafino and Gallup move to strike the request for treble damages in the fifth prayer for relief. (Dkt. No. 41 at 2-4.) The City of Stamford brings essentially the same motion. (Dkt. No. 35 at 3.) Plaintiffs do not object. (Dkt. No. 37 at 1; Dkt. No. 43 at 1.) Accordingly, the request for treble damages in the fifth prayer for relief is deleted. (See

Dkt. No. 14 at 36.)

Plaintiffs request permission of the court to replace the prayer for “treble damages” with a prayer for “punitive damages.” (Dkt. No. 43 at 1.) Permission is granted for Plaintiffs to incorporate the change into their next amended complaint.

#### IV. CONCLUSION

Defendants Serafino and Gallup’s motion to strike (Dkt. No. 34) is **granted**.  
Defendant City of Stamford’s motion to strike (Dkt. No. 49) is **granted**.

SO ORDERED.

Dated at New Haven, Connecticut, February \_\_, 2001.

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Peter C. Dorsey  
Senior United States District Judge